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COUNSEL FOR NEXPOINT REAL ESTATE  
 PARTNERS, LLC f/k/a HCRE PARTNERS, LLC

**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 DALLAS DIVISION**

|   |   |                                   |
|---|---|-----------------------------------|
| <b>In re:</b>   | § |                                   |
|   | § |                                   |
|   | § | <b>Chapter 11</b>                 |
| <b>HIGHLAND CAPITAL MANAGEMENT,<br/>L.P.</b>                                  | § |                                   |
|   | § | <b>Case No.: 19-34054-sgj11</b>   |
| <b>Debtor.</b>  | § |                                   |
|   | § |                                   |
| <b>HIGHLAND CAPITAL MANAGEMENT,<br/>L.P.</b>                                  | § |                                   |
|   | § |                                   |
| <b>Plaintiff,</b>   | § |                                   |
|   | § |                                   |
| <b>vs.</b>  | § |                                   |
|   | § | <b>Adv. Pro. No. 21-03007-sgj</b> |
| <b>HCRE PARTNERS, LLC (n/k/a<br/>NEXPOINT REAL ESTATE PARTNERS,<br/>LLC),</b> | § |                                   |
|   | § |                                   |
| <b>Defendant.</b>   | § |                                   |

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**DEFENDANT’S MOTION TO WITHDRAW THE REFERENCE**

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Defendant NexPoint Real Estate Partners, LLC f/k/a HCRE Partners, LLC (“NREP” or “Defendant”) files this Motion seeking to withdraw the reference of Highland Capital Management L.P.’s (“Plaintiff” or “Debtor”) Complaint for (I) Breach of Contract and (II) Turnover of Property of the Debtor’s Estate (the “Complaint”) from the United States Bankruptcy Court for the Northern District of Texas (the “Bankruptcy Court”) to the United States District Court for the Northern

District of Texas (the “District Court”) under 28 U.S.C. §§ 157(d) and (e), Federal Rule of Bankruptcy Procedure 5011 and Local Bankruptcy Rule 5011-1.<sup>1</sup> In support of its Motion, Defendant respectfully states as follows:

1. This Adversary Proceeding was automatically referred to the Bankruptcy Court under 28 U.S.C. § 157(a) and District Court Miscellaneous Order No. 33, *Order of Reference of Bankruptcy Cases and Proceedings Nunc Pro Tunc*.

2. Under 28 U.S.C. § 157(d) and for the reasons set forth in the accompanying *Brief in Support of Defendant’s Motion to Withdraw the Reference*, as supported by the *Appendix in Support of Defendant’s Motion to Withdraw the Reference*, filed contemporaneously herewith and incorporated by reference herein, Defendant respectfully requests that the District Court withdraw from the Bankruptcy Court the reference (*i.e.* the referral) of the Adversary Proceeding, in which case the Adversary Proceeding will continue as a Civil Action in the District Court.

For these reasons, Defendant respectfully requests that the Court enter an order (i) granting the Motion; (ii) withdrawing from the Bankruptcy Court the reference of this Adversary Proceeding; and (iii) granting Defendant such other and further relief to which it may be entitled.

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<sup>1</sup> This motion for withdrawal “shall be heard by a district judge;” however, under Local Bankruptcy Rule 5011-1(a), the motion must be filed with the Clerk of the Bankruptcy Court. Fed. R. Bankr. P. 5011(a); L.B.R. 5011-1(a). Accordingly, this motion is addressed to the District Court, but filed in the Bankruptcy Court.

Respectfully submitted,

/s/ Lauren K. Drawhorn

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**CERTIFICATE OF CONFERENCE**

I hereby certify that on June 2-3, 2021, I conferred with counsel for the Plaintiff regarding the relief requested herein. Counsel for Plaintiff indicated it is unopposed to the Motion to Withdraw on the condition that the Bankruptcy Court include in its report and recommendation to the District Court that the Bankruptcy Court will hear all pre-trial matters, including summary judgment motions.

/s/ Lauren K. Drawhorn

Lauren K. Drawhorn

**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2021, a true and correct copy of the foregoing pleading was served via the Court's CM/ECF system upon counsel for the Plaintiff and all other parties requesting or consenting to such service in this adversary case.

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